

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                           |   |                          |
|---------------------------|---|--------------------------|
| MICHAEL JEFFERSON,        | ) |                          |
|                           | ) |                          |
| Plaintiff,                | ) |                          |
|                           | ) |                          |
|                           | ) |                          |
| v.                        | ) | Civil Action No. 05-1491 |
|                           | ) | Judge Hardiman           |
|                           | ) | Magistrate Judge Caiazza |
| ALLEGHENY COUNTY, et al., | ) | In Re: Doc. 16           |
|                           | ) |                          |
|                           | ) |                          |
| Defendants.               | ) |                          |

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on October 26, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 13, 2006, recommended that Defendants' Motion to Dismiss (Doc. 16) be denied.

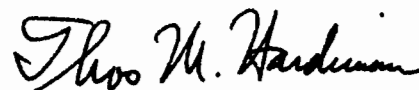
The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Huntingdon, Huntingdon, Pennsylvania, where he is incarcerated and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order

is entered:

AND NOW, this 4<sup>th</sup> day of December, 2006

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss  
(Doc. 16) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza,  
(Doc. 23) dated November 13, 2006, is adopted as the opinion of  
the court.



Thomas M. Hardiman  
U.S. District Court Judge

cc:  
Francis X. Caiazza  
U.S. Magistrate Judge

Michael Jefferson, EF-1617  
S.C.I. Huntingdon  
1100 Pike Street  
Huntingdon, PA 16654-1113

Carl B. Zacharia, Esq.